

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 6, 2015

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Brackett, Cameron, Lodge, and Nuxoll, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Chaplain Brent Adamson.

The Pledge of Allegiance was led by Joshua Price, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 5, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 116

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING THE IMPORTATION OF ANIMALS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Department of Agriculture relating to Rules Governing the Importation of Animals is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 02.04.21, Idaho State Department of Agriculture, Rules Governing the Importation of Animals, adopted as a pending rule under Docket Number 02-0421-1401, the entire

rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 117

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING JOHN J. GROSSENBACHER FOR HIS YEARS OF SERVICE TO THE STATE OF IDAHO AS DIRECTOR OF IDAHO NATIONAL LABORATORY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, John Grossenbacher came to Idaho in 2005 to merge elements of the Idaho National Engineering and Environmental Laboratory with Argonne National Laboratory-West to create Idaho National Laboratory (INL); and WHEREAS, serving as laboratory director, John Grossenbacher confirmed and enhanced INL's credibility and reputation as the national nuclear laboratory; and

WHEREAS, John Grossenbacher dramatically expanded and improved INL's nuclear technology, national and homeland security, and nonnuclear energy and environmental capabilities; and

WHEREAS, these investments in capabilities resulted in INL winning 18 Research and Development 100 Awards, achieving a breakthrough in gas reactor fuel development, conducting extraordinary demonstrations in control systems cybersecurity, producing four space batteries to power the Mars Science Laboratory and other NASA missions, converting 49 research reactors to a more proliferation-resistant nuclear fuel, removing or securing 17 tons of highly enriched uranium and plutonium from the former Soviet Union, and supporting the U.S. Navy and nuclear researchers throughout the United States by conducting 44 experiment cycles of the Advanced Test Reactor; and

WHEREAS, under John Grossenbacher's leadership, INL created three national scientific user facilities, making the lab's capabilities accessible to researchers around the world; and

WHEREAS, John Grossenbacher was instrumental in the creation and shaping of Idaho's Leadership in Nuclear Energy (LINE) Commission, which has demonstrated to Idahoans that INL is an institution of great importance to the state, as the INL Site Environmental Cleanup nears completion and creates a framework focused on a positive INL future; and

WHEREAS, John Grossenbacher has been a trusted advisor to three governors, three U.S. senators, five congressmen, the Idaho Legislature, the Attorney General, the State Department of Environmental Quality and State Office of Energy Resources; and

WHEREAS, John Grossenbacher has led and managed INL with distinction, investing in its people and developing their skills at INL, representing those people and their work candidly and transparently, and strengthening public trust and confidence in the performance of the high-hazard work at INL; and

WHEREAS, John Grossenbacher has been steadfast in his commitment and tireless in his energy for 10 years, building an institution at INL of which the State of Idaho and the nation can be proud.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor John J. Grossenbacher for his work as director of Idaho National Laboratory and the significance of his work to the State of Idaho.

[SCR 116](#) and [SCR 117](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Brackett was recorded present at this order of business.

March 6, 2015

The JUDICIARY AND RULES Committee reports that [S 1123](#), [S 1124](#), [S 1125](#), [S 1126](#), [S 1127](#), [S 1128](#), [S 1129](#), [S 1130](#), [S 1131](#), [S 1132](#), and [S 1133](#) have been correctly printed.

LODGE, Chairman

[S 1123](#) was referred to the Health and Welfare Committee.

[S 1124](#) was referred to the Judiciary and Rules Committee.

[S 1125](#), [S 1126](#), [S 1127](#), [S 1128](#), [S 1129](#), [S 1130](#), [S 1131](#), [S 1132](#), and [S 1133](#) were referred to the Finance Committee.

Senator Lodge was recorded present at this order of business.

March 5, 2015

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1076](#) with the recommendation that it do pass.

TIPPETS, Chairman

[S 1076](#) was filed for second reading.

March 5, 2015

The TRANSPORTATION Committee reports out [H 147](#) and [S 1120](#) with the recommendation that they do pass.

BRACKETT, Chairman

[H 147](#) and [S 1120](#) were filed for second reading.

March 5, 2015

The TRANSPORTATION Committee reports out [H 17](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRACKETT, Chairman

There being no objection, [H 17](#) was referred to the Fourteenth Order of Business, General Calendar.

March 5, 2015

The HEALTH AND WELFARE Committee reports out [H 177](#) with the recommendation that it do pass.

HEIDER, Chairman

[H 177](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 5, 2015

Dear Mr. President:

I transmit herewith [H 152](#), [H 206](#), [H 207](#), [H 190](#), [HJM 6](#), [HJM 5](#), [HJM 7](#), [HJM 3](#), [HJM 8](#), and [HCR 14](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 152](#), [H 206](#), [H 207](#), [H 190](#), [HJM 6](#), [HJM 5](#), [HJM 7](#), [HJM 3](#), [HJM 8](#), and [HCR 14](#) were filed for first reading.

March 5, 2015

Dear Mr. President:

I return herewith [S 1020](#), [S 1036](#), [S 1042](#), [S 1043](#), [S 1079](#), and [S 1081](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1020](#), [S 1036](#), [S 1042](#), [S 1043](#), [S 1079](#), and [S 1081](#) were referred to the Judiciary and Rules Committee for enrolling.

March 5, 2015

Dear Mr. President:

I transmit herewith Enrolled [HCR 3](#), [H 55](#), [H 43](#), and [H 96](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 3](#), [H 55](#), [H 43](#), and [H 96](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Heider, granted by unanimous consent, [SCR 111](#) was recommitted to the Health and Welfare Committee.

Senator Nuxoll was recorded present at this order of business.

The President announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Jeff Anderson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ward-Engelking, seconded by President Pro Tempore Hill, the Gubernatorial reappointment of Jeff Anderson as the Director of the State Liquor Division was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Kimber Ricks was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Hill, seconded by Senator Burgoyne, the Gubernatorial appointment of Kimber Ricks as a member of the State Public Defense Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial reappointment of Sid Cellan was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Tippets, seconded by Senator Burgoyne, the Gubernatorial reappointment of Sid Cellan as a member of the Oil and Gas Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1134 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO A PUBLIC LANDS OFFICE; AMENDING TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 58, IDAHO CODE, TO CREATE THE OFFICE OF PUBLIC LANDS, TO PROVIDE FOR APPOINTMENT OF AN ADMINISTRATOR AND TO PROVIDE POWERS AND DUTIES OF THE OFFICE.

[S 1134](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 152](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 206](#) and [H 207](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 190](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[HJM 6](#) and [HCR 14](#), by Agricultural Affairs Committee, were introduced, read at length, and referred to the Agricultural Affairs Committee.

[HJM 5](#), by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

[HJM 7](#), by Ways and Means Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

[HJM 3](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[HJM 8](#), by State Affairs Committee, was introduced, read at length, and referred to the Transportation Committee.

Senator Cameron was recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1116](#), [S 1117](#), [S 1118](#), and [S 1119](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 50](#) and [H 94](#), by Resources and Conservation Committee, were read the second time at length and filed for third reading.

[S 1096](#), by Education Committee, was read the second time at length and filed for third reading.

[H 108](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1121](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 114](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[S 1113](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [H 70](#) was placed before the Senate for consideration at this time.

[H 70](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nonini arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippets, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [H 70](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Hagedorn, granted by unanimous consent, [S 1095](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1114](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1114](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Mortimer, granted by unanimous consent, [S 1072](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1115](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Patrick, Rice, Schmidt, Souza, Stennett, Thayne, Tippetts, Ward-Engelking, Winder. Total - 31.

NAYS—Nuxoll, Siddoway, Vick. Total - 3.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1115](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1075](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1075](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1077](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1077](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1107](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1107](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Brackett, granted by unanimous consent, [H 15](#), as amended in the Senate, was recommitted to the Transportation Committee.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:05 a.m. until the hour of 10 a.m., Monday, March 9, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary